

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtors in Foreign Proceedings.

FAIRFIELD SENTRY LIMITED (In Liquidation),
et al., acting by and through the Foreign
Representatives thereof,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM, et al.,

Defendants,

Chapter 15 Case

Case No. 10-13164 (SMB)

Adv. Pro. No. 10-03496

Administratively Consolidated

**ATTORNEY DECLARATION OF THOMAS J. MOLONEY
IN OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO AMEND AND
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

I, Thomas J. Moloney, declare under penalty of perjury as follows:

1. I am duly licensed and admitted to practice law in the State of New York, and I am a partner with the law firm of Cleary Gottlieb Steen & Hamilton LLP, counsel for HSBC Institutional Trust Services (Asia) Limited, Robinson & Co., Murdoch & Co., Republic Nominees Limited (f/k/a HSBC Private Banking Nominee 1 (Jersey) Limited), HSBC Securities Services (Luxembourg) S.A., HSBC Private Bank (C.I.) Limited (f/k/a HSBC Private Bank (Guernsey) Limited), HSBC Private Bank (Suisse) S.A., HSBC Bank USA N.A., Banco Nominees 2 (Guernsey) Limited (f/k/a Banco Nominees (IOM)), HSBC Trust Company AG (f/k/a HSBC Guyerzeller Trust Company AG), HSBC Latin America Holdings (UK) Limited (successor-in-interest to HSBC Securities (Panama) S.A.), HSBC International Trustee Limited,

Somers Nominees (Far East) Limited, and HSBC Bank Bermuda Limited (collectively, the “HSBC Defendants”). I respectfully submit this declaration as a supplement to the Consolidated Memorandum of Law in Opposition to Plaintiffs’ Motion to Amend and in Support of the Defendants’ Motion to Dismiss.

2. Attached hereto as Exhibits A-F are true and correct copies of the following documents:

<u>Ex.</u>	<u>Document</u>
A	Subscription Agreement of Fairfield Sentry Limited
B	Subscription Agreement of Fairfield Sigma Limited
C	Subscription Agreement of Fairfield Lambda Limited
D	Articles of Association of Fairfield Sigma Limited
E	Articles of Association of Fairfield Lambda Limited
F	July 27, 2016 Hearing Transcript, <u>Fairfield Sentry Limited (In Liquidation) et al. v. Theodoor GGC Amsterdam et al.</u> , Adv. Pro. No. 10-03496 (Bankr. S.D.N.Y. July 27, 2016), ECF No. 906

Executed on January 13, 2017, at New York, New York.

/s/ Thomas J. Moloney

THOMAS J. MOLONEY